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Attorney for Plaintiff

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

RAMON REYES

Civil Action No. 2:09-cv-05309

Plaintiff

-vs-

CIVIL ACTION

KEITH MACHINERY CORP.,
LITTLEFORD BROTHERS,
INC., LITTLEFORD DAY, INC.,
LFB INC., MAKINO INC., AND JOHN DOE
1-100 (a Fictitious name) individually
And/or t/a XYZ Co., 1-100 (a
Fictitious name); and ABC
Corporation, 1-100 (a fictitious
Name); JANE DOE 1-100 (a
Fictitious Name)

AMENDED
COMPLAINT AND JURY DEMAND

Defendant(s)

X

Plaintiff, Ramon Reyes residing at 3502 Hudson Avenue,
Apartment No 1, in the City of Union City, county of Hudson and State of
New Jersey 07087, complaining of the defendant(s) says that:

FIRST COUNT

1. At all times pertinent hereto the defendants were engaged in the
business for a profit of designing, manufacturing, assembling,
packaging, distributing, selling, installing and maintaining

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machinery such as the large machine which was involved in the accident to be more particularly described hereinafter.

2. At all times pertinent hereto, plaintiff, Ramon Reyes, was an employee of Union Ink, Inc. in Ridgefield, New Jersey, and in the course of such employment was engaged in work associated and connected with the machine, Model and/or Serial No 14729.
3. The aforementioned was designed, manufactured, assembled, packaged, distributed, sold and maintained by the defendants with the knowledge that said machine would be operated by persons such as the plaintiff in the regular course of their employment.
4. The defendants, were designed, manufactured, assembled, packaged, distributed, sold, installed and maintained said machine in a defective condition, not reasonably fit, suitable and safe for its intended and reasonable foreseeable purposes and under conditions such that the printing press was expected to and did reach the user and others who might come in contact with it without substantial change in the condition in which it left the defendant's hands.
5. On or about September 27, 2007 while in the regular course of his employment and while engaged in work associated with and connected with the operation of said machine and in conformity

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with the purpose for which said machine was designed, manufactured, assembled, packaged, distributed, sold, installed and maintained, plaintiff was caused to sustain personal injuries when his right hand became caught and crushed by the machine which was directly and proximately caused by the defective condition of said machine.

6. As a direct and proximate result of the aforesaid defective condition of said machine, plaintiff, Ramon Reyes, sustained great pain, suffering and agony, serious and permanent personal injuries; has become obligated to incur great medical expenses and has lost income from his regular employment.

WHEREFORE, plaintiff, Ramon Reyes, demands judgment on the First Count against the defendants for damage, interest and costs of suit.

SECOND COUNT

1. Plaintiff, Ramon Reyes, repeats each and every allegation of the First Count as though the same were set forth fully at length herein.
2. The defendants, did so intentionally, carelessly, recklessly and negligently design, manufacture, assemble, package, distribute, sell, install and maintain said machine as to cause the plaintiff to suffer serious personal injuries; sustained great pain, suffering and agony; has become obligated to incur great

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medical expenses and has lost income from his regular occupation.

WHEREFORE, plaintiff, Ramon Reyes, demands judgment on the Second Count, against the defendants for compensatory damages, punitive damages, interest and costs of suit.

THIRD COUNT

1. Plaintiff, Ramon Reyes, repeats each and every allegation of the First and Second Count of this complaint as though the same were set forth fully at length herein.
2. The defendants, had due notice or by reasonable inspection thereof, might have had due notice of the above described condition of the machine, in light of the many accidents and lawsuits filed by the employees of defendants in the past and prior to the plaintiff's injury on September 27, 2007.
3. Nevertheless, the defendants failed to reasonable warn plaintiff, Ramon Reyes of the dangerous condition of the machines located at Union Ink which conditions posed and unreasonable hazard to plaintiff and other employees that worked at Union Ink.
4. The aforesaid acts on the part of the defendants were the proximate cause of the injuries sustained by the plaintiff.

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5. As a result of the defendant's intentional, careless, reckless and negligent acts the plaintiff, Ramon Reyes, suffered serious personal injuries, has sustained great pain, suffering and agony and has become obligated to incur great medical expenses, and has lost income from his regular occupation,

WHEREFORE, plaintiff demands judgment against the defendants for compensatory damages, interest and costs of suit.

FOURTH COUNT

1. Plaintiff, Ramon Reyes, repeats each and every allegation of the First, Second and Third Counts as though same were set forth fully and at length herein.
2. Prior to September 27, 2007 the defendants warranted and represented to the public that the said machine was merchantable quality and reasonably fit for its ordinary intended use and purpose.
3. Contrary to said representation and warranties as aforesaid, said machine was not of merchantable quality and was not reasonably fit for its ordinary intended causes and purposes.
4. As a direct and proximate result of the defendant's breach and warranty as aforesaid, plaintiff, Ramon Reyes,

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sustained great pain, suffering and agony; has become obligated to incur great medical expenses and has lost income from his regular occupation.

WHEREFORE, plaintiff Ramon Reyes, demands judgment on the Fourth Count against the defendants for damages, interest and costs of suit.

FIFTH COUNT

1. Plaintiff, Ramon. Reyes, repeats each and every allegation contained in the First, Second, Third and Fourth Counts of this complaint as though same were set forth herein at length.
2. The failure of the defendants in the manufacture, assemble, designing, distributions, packaging, selling and maintaining the said machinery in the proper fashion resulted in the breach of express warranty upon which the plaintiff, Ramon Reyes, has relied and which had been communicated to him by the said defendants.

WHEREFORE, plaintiff, Ramon Reyes, demands judgment against the defendants for damages, together with interest and costs of suit on the Fifth Count.

SIXTH COUNT

1. Plaintiff, Ramon Reyes, repeats each and every allegation of the First, Second, Third, Fourth and Fifth Counts of

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this complaint as though same were set forth full at length herein.

2. The failure of the defendants, to design, manufacture, assemble, package, distribute, sell, maintain, and install the said machine in the proper fashion resulted in a breach of implied warranty of fitness for the particular purpose and general merchantability of which plaintiff had been duly notified.

WHEREFORE, plaintiff, Ramon Reyes, demands judgment against the defendants for damages, interest and costs of suit on the Sixth Count.

SEVENTH COUNT

1. Plaintiff, Ramon Reyes, repeats each and every allegation in the First, Second, Third, Fourth, Fifth and Sixth Counts of the complaint as though same were set forth fully at length herein.
2. The defendants should be held strictly liable in tort for the above mentioned accident and injuries suffered by the plaintiff.
3. Said accident was a result of a defect by the defendants, in the designing, manufacturing, assembling, packaging, distributing, selling and installing and maintaining said machinery and which caused the plaintiff suffer severe,

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painful and permanent physical and psychological
trauma necessitating great medical care and
hospitalization and preventing him from carrying out his
usual occupation and duties.

WHEREFORE, plaintiff, Ramon Reyes, demands judgment
against the defendant for damages, punitive damages,
together with interest and costs of suit on the Seventh
Count.

JURY DEMAND

Plaintiff demands a trial by jury as to all counts.

CERTIFICATION PURSUANT TO LOCAL CIVIL RULE 11.1

The undersigned certifies that the matter in
controversy is not the subject of any other action pending in
this court.

CERTIFICATION PURSUANT TO LOCAL CIVIL RULE 5.1

Roland Orbe certifies that he caused a copy of this
Amended Complaint to be served via Federal Express
Overnight Delivery on the following:

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Sedgwick, Detert, Moran & Arnold, LLP
Abigail Bowen, Esq
125 Broad Street 39th Floor
New York NY 10004-2400

Dated: March 1, 2010

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ROLAND ORBE ESQ